

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KERRY LEE THOMAS,
Plaintiff,

V.

ROBERT JOHNSON,
ERIC M. BRUSS,
WAYNE SCHULTZ,
And THE ESTATE OF ROBERT JOHNSON
Defendants.

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Civil Action No. 4:23-cv-00662

DEFENDANTS ERIC M. BRUSS AND WAYNE SCHULTZ'S
UNOPPOSED MOTION TO CONTINUE MEDIATION

Defendants Eric M. Bruss and Wayne Schultz file this Unopposed Motion to Continue Mediation as follows:

1. On April 8, 2025, this Court held a pre-motion conference where the parties discussed the scheduling order and mediation. The Court agreed to extend all deadlines and ordered that mediation take place after the deposition of Plaintiff's expert. Dkt. No. 103.

2. On April 9, 2025, this Court issued an order referring the case to Magistrate Judge Peter Bray for mediation. Dkt. No. 105. The order indicates that mediation will take place no later than July 28, 2025.

3. On April 14, 2025, Magistrate Judge Peter Bray scheduled mediation for April 25, 2025. Dkt. No. 106.

4. The parties are in the process of scheduling expert depositions. Due to the parties' conflicting schedules, Plaintiff's expert's deposition cannot take place before April 25, 2025.

5. Moreover, Defendants' expert report is due June 23, 2025. Dkt. No. 104. A continuance is necessary to allow Plaintiff the opportunity to depose Defendants' expert after the report is due.

6. Accordingly, Defendants request that mediation be continued 90-days so that the parties have sufficient time to depose the experts.

7. Plaintiff is unopposed to a continuance.

8. A continuance will not prejudice any party. This motion is not sought for delay, but so that justice may be done.

PRAYER

For the reasons stated above, Defendants respectfully request that the Court grant this Unopposed Motion for Continuance and continue the mediation by 90-days.

Respectfully submitted,

Thompson & Horton LLP

By: /s/ Celena Vinson
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**ATTORNEYS FOR DEFENDANTS
BRUSS AND SCHULTZ**

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on April 16, 2025, she communicated with Shirley Lavarco, counsel for the Plaintiff, regarding this Motion. Counsel indicated that Plaintiff is unopposed to the relief sought.

/s/ Celena Vinson

Celena Vinson

CERTIFICATE OF SERVICE

On April 18, 2025, I electronically filed the foregoing document with the Clerk of the Court of the United States District Court for the Southern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served counsel and/or pro se parties of record electronically using the CM/ECF filing system or by any other manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Alexa Gould

Alexa Gould